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Attorneys for the Plaintiffs
Cal-Trim, Inc., Calderon Construction, Inc. and
D. Anthony Calderon

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF ARIZONA

CAL-TRIM, INC., CALDERON
CONSTRUCTION, INC. AND
D. ANTHONY CALDERON,

PLAINTIFF,

V.

INTERNAL REVENUE SERVICE,

DEFENDANT.

Case No.

COMPLAINT

1. This is an action under the Freedom of Information Act, 5 U.S.C. Section 552, as amended, to enjoin the withholding of agency records and to order the production of agency records improperly withheld from Plaintiffs.

2. The Court has jurisdiction over this action in the District of Arizona, pursuant to 5 U.S.C. Section 552(a)(4)(B), since the Plaintiff Cal-Trim, Inc. and Calderon Construction, Inc. have their principal place of business in Arizona and Plaintiff D. Anthony Calderon resides in Arizona.

3. Plaintiffs are the requester of agency records that have been improperly withheld.

4. Defendant, Internal Revenue Service, is an agency of the United States of America, and has possession and control of the records requested by Plaintiffs.

5. Plaintiffs sent to defendant a request dated May 16, 2005, for any and all

1 documents and information contained in the defendant's files pertaining to the Plaintiffs for
2 the tax periods ending December 31, 2000 through December 31, 2003 and more particularly
3 described in Exhibit 1.

4 6. Defendant sent to Plaintiffs a letter dated June 13, 2005 requesting an extension
5 to provide a final response to the request by July 29, 2005, which is Exhibit 2. No response
6 or documents have been provided by defendant.

7 7. Defendant, an agency subject to a Freedom of Information Act Request, has
8 failed to comply with the statutory time limits of Freedom of Information Act in responding
9 to Plaintiffs and as such, the administrative remedies shall be deemed to have been exhausted
10 under 5 U.S.C. Section 552(a)(6)..

11 8. Plaintiffs are entitled to receive the records requested under 5 U.S.C. Section
12 552(a)(3) and there is no legal basis for defendant's denial of Plaintiff's request.

13 WHEREFORE, Plaintiffs pray that the Court:

- 14 (1) Expedite its consideration of this action pursuant to 28 U.S.C. Section 1657(a).
15 (2) Order that the defendant provide the requested records to Plaintiffs.
16 (3) Award Plaintiffs reasonable attorney's fees and other litigation costs incurred in
17 this action pursuant to 5 U.S.C. Section 552(a)(4)(E).
18 (4) Grant additional relief as justice may require.

19 Dated: August __, 2005

21 Respectfully submitted,

22 SILVER LOCKWOOD PLC
23 Stephen E. Silver
24 Jason M. Silver

25
26 By: 

27 Attorneys for Plaintiff
28 Cal-Trim, Inc., Calderon Construction, Inc. and
D. Anthony Calderon